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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,407	03/25/2004	Jean-Marc Girardin	14654	5282

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EXAMINER

GUTMAN, HILARY L

ART UNIT PAPER NUMBER

3612

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,407	Applicant(s) GIRARDIN, JEAN-MARC	
	Examiner Hilary Gutman	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/04</u> | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the docking shoe means mounted on the support frame means and the anchor means mounted on the floor of claim 8; the second docking shoe means of claim 9; rigidly attaching the docking shoe means to the support frame of claim 10; rigidly mounting anchor means on the floor of claim 10; and the moving of the wheelchair on the floor of claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 14 and 24.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: on page 5, line 14 and 22, "member" should perhaps be inserted after "wedge". On page 6, line 8, "member" should perhaps be inserted after "wedge". Appropriate correction is required.

Claim Objections

4. Claims 1 and 10 are objected to because of the following informalities:

In claim 1, line 8, "an" should be inserted before "operative".

In claim 10, line 9, an" should be inserted before "operative".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said docking arm" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by East et al.

East et al. (5,794,908) disclose a wheelchair docking system for releasably securing a wheelchair to the floor of a vehicular conveyance, comprising: support frame means 18, 118, 19 adapted for rigid attachment to said wheelchair; docking shoe means 48, adapted for rigid attachment to either one of said support frame and said floor; anchor means 13, adapted for rigid attachment to the other of said support frame and said floor; and arm means 46 adapted, when in operative position, for rigid mounting in a vertical plane on said anchor means and adapted for sliding and locking engagement in said docking shoe means.

With regard to claim 7, said docking shoe means is mounted on said floor of said vehicle and said anchor means is mounted on said support frame means on said wheelchair.

With regard to claim 9, said anchor means comprises a second docking shoe means (vertical part of member 12) and said arm means 46 is adapted, at each longitudinal end thereof, for releasable locking engagement with a respective one of said docking shoe 48 and said second docking shoe.

Alternatively, East et al. (5,794,908) disclose a wheelchair docking system for releasably securing a wheelchair to the floor of a vehicular conveyance, comprising: support frame means 18, 118, 19 adapted for rigid attachment to said wheelchair; docking shoe means 12, 13, adapted for rigid attachment to either one of said support frame and said floor; anchor means 48, adapted for rigid attachment to the other of said support frame and said floor; and arm means 46 adapted, when in operative position, for rigid mounting in a vertical plane on said anchor means and adapted for sliding and locking engagement in said docking shoe means.

With regard to claim 8, said docking shoe means is mounted on said support frame means on said wheelchair and said anchor means 48 is mounted on said floor.

For claim 10, East et al. (5,794,908) inherently disclose a method for securing a wheelchair to the floor of a vehicular conveyance, comprising: rigidly attaching a support frame means 18, 118, 19 to said wheelchair; rigidly attaching a docking shoe means 48, to either one of said support frame and said floor; rigidly attaching anchor means 13 to the other of said support frame and said floor; rigidly mounting arm means 46 on said anchor means so that, when in operative position, said arm means lies in a substantially vertical plane; and moving said wheelchair on said floor so as to vertically align said docking shoe and said anchor means one

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above the other and so that said docking arm moves into sliding and locking engagement in said docking shoe means.

With regard to claim 11, said docking shoe means includes locking means adapted to be manually releasable.

9. Claims 1, 7, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Constantin,

Constantin (4,690,364) discloses a wheelchair docking system for releasably securing a wheelchair to the floor of a vehicular conveyance, comprising: support frame means 24a, 24b adapted for rigid attachment to said wheelchair; docking shoe means 5, 8, 9, 10, adapted for rigid attachment to either one of said support frame and said floor; anchor means 35, adapted for rigid attachment to the other of said support frame and said floor; and arm means 3 adapted, when in operative position, for rigid mounting in a vertical plane on said anchor means and adapted for sliding and locking engagement in said docking shoe means.

With regard to claim 7, said docking shoe means is mounted on said floor of said vehicle and said anchor means is mounted on said support frame means on said wheelchair.

For claim 10, Constantin inherently discloses a method for securing a wheelchair to the floor of a vehicular conveyance, comprising: rigidly attaching a support frame means to said wheelchair; rigidly attaching a docking shoe means, to either one of said support frame and said floor; rigidly attaching anchor means to the other of said support frame and said floor; rigidly mounting arm means on said anchor means so that, when in operative position, said arm means lies in a substantially vertical plane; and moving said wheelchair on said floor so as to vertically

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align said docking shoe and said anchor means one above the other and so that said docking arm moves into sliding and locking engagement in said docking shoe means.

With regard to claim 11, said docking shoe means includes locking means adapted to be manually releasable.

With regard to claim 12, said docking shoe means includes locking means adapted to be electrically releasable.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constantin in view of Budd et al.

Constantin lack the specific docking means including spring loaded wedge means.

Budd et al. (6,352,396) teach the well known prior art (Figures 1-2) including a spring loaded wedge means adapted to releasably lock an arm means (not shown) in a docking shoe means.

With regard to claim 3, Budd et al. include pivotally mounted lever means, operatively connected to said spring loaded wedge means, and adapted to move said wedge means from a locked position to an unlocked position so as to release said arm means.

With regard to claim 5, including powered means to operate said lever means.

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With regard to claim 6, said powered means comprises an electrically operated solenoid switch.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the spring loaded wedge means as taught by Budd et al. for the docking shoe means of Constantin in order secure the arm means in place to hold the wheelchair.

6/16/05 12. Claims ~~4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~ ⁴ ^{is} are rejected under 35 U.S.C. 103(a) as being unpatentable over Constantin, as modified.

Constantin, as modified, lacks the lever means being manually operated.

Constantin teach the importance and desirability of providing mechanical and manual operation for a wheelchair locking assembly in case of electrical failure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the lever means being manually operated as taught by Constantin in order to accommodate a wheelchair in the event of an electrical failure.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label



"PROPOSED" or "DRAFT").

Hilary Gutman

June 7, 2005